

PROB 12
(Rev 02/94)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

David Shelor,

Defendant.

Criminal Action No. 1:05CR00113-001(GMS)

Petition on Probation and Supervised Release

COMES NOW Nancy A. Klingler Probation Officer of the Court presenting an official report upon the conduct and attitude of David Shelor, who was placed on supervision by the Honorable Gregory M. Sleet, sitting in the court at Wilmington, Delaware on the 11th day of May, 2006, who fixed the period of supervision at two years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed special conditions and terms as follows:

The defendant shall participate in substance abuse treatment and testing at the direction of the probation officer.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:
(If short insert here; if lengthy write on separate sheet and attach)

SIE ATTACHED

PRAYING THAT THE COURT WILL ORDER ...the issuance of a summons requiring David Shelor to appear before the court for a hearing to determine if he has violated the terms and conditions of probation.

ORDER OF COURT

So ordered this 7th day

of April 2008

[Signature]
Chief U. S. District Judge

I declare under penalty of perjury the foregoing is true and correct,

Nancy Klingler
U.S. Probation Officer

Executed on April 1, 2008

Place Dover, Delaware

Mandatory Condition: The defendant shall not commit another federal, state, or local crime.

Evidence: On December 29, 2007, the defendant was arrested by Delaware State Police and charged with driving under the influence, malicious mischief by motor vehicle and no insurance identification. On April 1, 2008, the defendant admitted to committing the offense and further stated that he had consumed alcohol the evening prior to his arrest. According to the state prosecutor handling this case, Mr. Shelor submitted to a blood test, which revealed his blood alcohol content was .17%.

Standard Condition #1: The defendant shall not leave the judicial district without permission from the court or probation officer.

Evidence: On April 1, 2008, the defendant admitted to traveling to Las Vegas, Nevada without authorization from February 9, 2008 to February 12, 2008. On April 1, 2008, the defendant also admitted to traveling to Elk Neck State Park, Maryland, without authorization from March 20, 2008 to March 29, 2008.

Standard Condition #2: The defendant shall report to the probation officer as instructed.

Evidence: On March 19, 2008, Mr. Shelor was instructed to report to the probation office on March 20, 2008. He failed to appear as directed. On March 24, 2008, telephone instructions were left on both the defendant's home and cell phones instructing him to report to the office that same day. The defendant failed to appear. On March 24, 2008, a home visit was conducted and an appointment was left for March 27, 2008. The defendant failed to appear for this appointment.

Standard Condition #7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Evidence: On November 29, 2007, the defendant tested positive for the use of cocaine. On December 10, 2007, the defendant admitted to using cocaine. On December 29, 2007, the defendant was charged with driving under the influence. According to the state prosecutor, the defendant's blood alcohol content was .17%.

Standard Condition #11: The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Evidence: On December 29, 2007, the defendant was arrested by Delaware State Police for the above noted charges. He has failed to notify the probation officer of this arrest. On April 1, 2008, the defendant admitted that he failed to notify the probation officer of his arrest as required.